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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of decision: 18th May, 2016

+ **W.P.(C) 7886/2015**

GANESHI LAL & ORS

..... Petitioners

Through: Mr. N.S.Dalal with Mr. J.B.Mudgil &
Mr. D.P.Singh, Advs.

versus

THE CHAIRMAN DDA & ANR

..... Respondents

Through: Mr. Raj Birbal with
Mr. Sanjay Singh, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

SANJIV KHANNA, J. (ORAL)

1. By this writ petition, the three petitioners impugn the order dated 21.5.2015 passed by the Principal Bench of the Central Administrative Tribunal whereby their OA 4578/2013 has been dismissed.

2. The petitioners, Assistant Security Officers in the Delhi Development Authority, on the principle of equal pay for equal work claim pay scale of Rs.5000-175-9000/- at par with the Assistant Security Officers of other institutions and organizations like HUDA, AIIMS, DTC, PUDA, Transco. Ltd. and Railways.

3. We have heard the counsel for the petitioners who has simply referred to the designation of the posts and submits that the petitioners

as Assistant Security Officers were performing identical and similar duties and functions as performed by the Assistant Security Officers in other organizations/institutions.

4. Having gone through the writ petition, we find that except for making a general statement and assertion, there is absolutely no attempt to show and establish parity and equivalence in work, function and duties between the posts. In ***Secretary, Finance Department and Industries vs. West Bengal, Registration Services, JT 1993 Suppl. (1) 153***, the Supreme Court has observed that ordinarily pay structure is fixed keeping in mind factors like i) method of recruitment, ii) level at which recruitment is made, iii) the hierarchy of service in a given cadre, iv) minimum educational/technical qualifications required v) avenues to promotion, vi) the nature of duties and responsibilities, vii) the horizontal and vertical relativities with similar jobs, viii) public dealings, ix) satisfaction level, x) employer's capacity to pay, etc. Pay fixation is done by expert bodies and are difficult, time-consuming, require assistance of expert staff and relevant data. For any judicial interference, there should be cogent material on record for courts/tribunal to affirmatively conclude that grave errors had crept in while fixing the pay scale. The petitioner has virtually faulted on all accounts as relevant data and material to form judicial opinion in their favour has not been produced, either before the tribunal or this Court. Every organization and institution has peculiarities. Duties and functions attached and performed at a post depend on the work profile of the department, the nature of contribution expected of the employee at the

post, extent of his responsibility and accountability attached in discharge of diverse duties and functions, extent and nature of freedoms or limitations available and imposed upon an employee in discharge of duties, extent of powers vested, dependence on superiors for the exercise of his powers, need to coordinate with the other departments, etc. For example, an Assistant Security Officer in a hospital, airport or railway station is required to ensure safety of patient, passengers, goods, etc. Skills, pressure and tasks involved are different.

5. We have also examined the order passed by the Tribunal which appropriately detailed and applies the correct legal ratio.

6. The present writ petition has no merit and is dismissed. There will be no orders as to costs.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MAY 18, 2016/ak